



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,292	01/03/2002	Gary J. Mastman	GM1	4105

24210 7590 01/05/2007  
NATHAN N KALLMAN  
20900 SARAHILLS DRIVE  
SARATOGA, CA 95070

EXAMINER
----------

WEIS, SAMUEL

ART UNIT	PAPER NUMBER
----------	--------------

3691

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/035,292		MASTMAN, GARY J.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Samuel S. Weis		3691	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                            | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This is in response to the application filed January 26, 2002. Claims 1-5 have been examined.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Ray et al. (hereinafter, Ray), U.S. Pat. No. 6,018,722.

As to claim 1 and 4, Ray discloses a computer implemented securities portfolio investment management system comprising establishing a database of a multiplicity of stocks (i.e. database containing fundamental analysis information about each population of securities for each asset class) (col. 6; lines 16-18); applying preset parameters for filtering said stocks to form an Autoportfolio of selected stocks ((i.e. a database containing fundamental information information may be sorted to determine which companies exemplify the most favorable fundamental characteristics for a particular investment objective) (col. 6; lines 18-21);

Art Unit: 3691

weighting each of said preset parameters that are applied to each of said selected stocks for generating a Rating for each stock of said Autoportfolio (i.e. each economic environment places specific weights on asset clauses based on the historic performance of those assets. The weights of specific assets are reduced or increased using this weighting process.) (col. 7, line 65 through col. 8, line 1);

applying said weighted parameters including said Rating to said stocks of said Autoportfolio for establishing limits for issuing a BUY order for a selected stock when the preset parameters for purchase are met (i.e. this analysis is performed to determine if the risk/return ratio is improved by the addition of the recommended security to a particular portfolio. If the risk/return is improved, then a specific buy transaction instruction which identifies quantity, prices, and description of the security for the account is generated and stored in the Base Station, for later transfer to a financial advisor who is registered as a solicitor for that customer's account or customer) (col. 7; lines 13-21);

purchasing a predetermined number of the selected stocks which meet the preset parameters to establish a Portfolio (i.e. this evaluation generates a BUY, BUY/HOLD, HOLD, SELL/HOLD, or SELL classification which is stored in the master security file) (col. 8; lines 36-38);

setting a limit, related to said limits for issuing a BUY order, for selling a purchased stock from said Portfolio and for issuing a SELL order when said limit for selling is met (i.e. account assets are evaluated to determine if any assets

Art Unit: 3691

have a "SELL" signal. Those assets which are identified as having a "SELL" signal generate "SELL" orders.) (col. 9; lines 2-5); and, selling said purchased stock from said Portfolio and purchasing another stock which meets said preset parameters (i.e. Orders generated by the base station printer are executed through the broker associated with the customer brokerage account. The broker processes the transaction and notifies the Base Station and the customer of the execution of the order.) (col. 10; lines 13-17).

As to claim 2, Ray discloses a method as in Claim 1, wherein said step of establishing a database includes obtaining said database on a daily basis (i.e. each day, or at such time interval determined by Base Station owner or in "real time," prices are updated on the base station to reflect the most recent price and volume of securities) (col. 6; lines 40-43).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ray as applied to claims 1 and 4 above, and in view of Robinson, U.S. Pat. No. 6,484,152.

As to claims 3 and 5, Ray discloses the method and system of claims 1 and 4, wherein the step of weighting employs the parameters of earnings per share, financial strength, sales, book value, and dividend growth rate, etc. (col. 6, lines 33-35).

Ray does not explicitly disclose wherein the step of weighting employs the parameters of

(S3) earnings growth rate estimate next year;

(S7) price-to-earnings growth, estimated; and,

(S10) price momentum.

However, Robinson teaches an automated portfolio selection system which utilizes quarterly estimate data including sales/revenues, earnings per share, and price and earnings momentum. This estimate data is projected for the current year, the next year, and the next three to five year period (col. 4, lines 27-30). It would have been obvious to one of ordinary skill in the art at the

Art Unit: 3691

time of Applicants' invention to include the aforementioned limitations as disclosed by Robinson within Ray for the motivation of adding additional parameters to the stock selection criteria.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel S. Weis whose telephone number is (571) 272-2025. The examiner can normally be reached on 8:30 to 5, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 3691

Samuel Seth Weis

*Samuel Weis*

*Laura M. Hamilton*  
LAURA M. HAMILTON  
PRIMARY EXAMINER, 3691